

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**SYSTEM AND METHOD FOR DISPENSING BEVERAGES HAVING DIFFERENT
FOAM LEVELS FROM CAPSULES**

the specification of which: (check one)

is attached hereto.

was filed on 21 June 2004, as United States Application No. or PCT International Application No. PCT/EP04/006674 and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent Office all information which is known to me to be material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code Section 119 or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT international application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Number	Country	Day/Month/Year Filed	Priority Not Claimed
03016789.4	Europe	23 July 2003	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

Application Serial No.	Filing Date
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I hereby claim the benefit under 35 U.S.C. Section 120 of any United States application(s), or Section 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C.F.R., Section 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.	Filing Date	Status (patented, pending, abandoned)
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor Zenion Ioannis Mandralis	
Sole or first inventor's signature	Date
Residence CH-1071 Chexbres, Switzerland	
Citizenship Greece	
Post Office Address Ch. de la Rochette 10	
CH-1071 Chexbres, Switzerland	

Full name of second inventor Peter Koch	
Second inventor's signature	Date
Residence CH-1350 Orbe, Switzerland	
Citizenship Switzerland	
Post Office Address Chemin des Vaux 6	
CH-1350 Orbe, Switzerland	

Full name of third inventor Francisco Campiche	
Third inventor's signature	Date
Residence CH-1400 Yverdon-les-Bains, Switzerland	
Citizenship Switzerland	
Post Office Address Rue de l'Hôpital 33	
CH-1400 Yverdon-les-Bains, Switzerland	

Full name of fourth inventor Jean-Luc Denisart	
Fourth inventor's signature	Date
Residence CH-1096 Cully, Switzerland	
Citizenship Switzerland	
Post Office Address Ch. du Vigny 2	
CH-1096 Cully, Switzerland	

Full name of fifth inventor Antoine Cahen	
Fifth inventor's signature	Date
Residence CH-1005 Lausanne, Switzerland	
Citizenship Switzerland	
Post Office Address Les Ateliers du Nord, Pl. du Nord 2	
CH-1005 Lausanne, Switzerland	

Full name of sixth inventor Alfred Yoakim	
Sixth inventor's signature	Date
Residence CH-1806 St-Légier-la Chiesaz, Switzerland	
Citizenship Switzerland	
Post Office Address Ch. de la Routiaz 2	
CH-1806 St-Légier-la Chiesaz, Switzerland	

POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

I hereby appoint:



Practitioners associated with the Customer Number:

29157

OR



Practitioner(s) named below (If more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

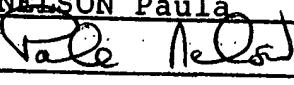
Assignee Name and Address:

Nestec S.A.
Avenue Nestlé 55
CH-1800 Vevey
Switzerland

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

SIGNATURE of Assignee of Record

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Name	NELSON Paula		
Signature		Date	12 JAN. 2005
Title	Vice President	Telephone	

SEND TO: COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.